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ABSTRACT

The purpose of this study was to investigate the effects of the 1988 Supreme Court decision on the attitudes and behavioral intentions of high school principals and publication advisers. In the Hazelwood School District versus Kuhlmeier decision, the court held that, as the publisher of a school newspaper, a public school may exercise substantial control over contents of student articles, whenever this action is reasonably consistent with the legitimate educational mission of the school. Questionnaires were returned by 178 principals and 145 school newspaper advisers in the state of New Jersey, for a response rate of 39% and 33% respectively. Significant differences were found between administrators and advisers, as well as between public and private high schools. Results indicated that: (1) principals accepted their censorship role by expressing the right to control school publications and exercising prior restraint; (2) principals supported the Hazelwood decision, students' right to freedom of expression, and were more satisfied with the quality of their schools' publications than were advisers; and (3) 82.47% of the public high school employees supported the Hazelwood decision and prior restraint, while only 17.53% of the private school employees did. (Fourteen references and three appendixes of data are attached.) (RS)

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CONTEXTUAL FIRST AMENDMENT RIGHTS: PERCEPTIONS OF TEACHERS AND ADMINISTRATORS IN THE AGE OF HAZELWOOD.

by

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CONTEXTUAL FIRST AMENDMENT RIGHTS: PERCEPTIONS OF TEACHERS AND ADMINISTRATORS IN THE AGE OF HAZELWOOD

Abstract

This study investigated the attitudes and behavioral intentions of high school administrators and advisers. Significant differences were found between administrators and advisers, as well as public and private high schools. The unlimited powers of censorship granted to administrators by the Hazelwood decision appears to have scared student journalists away from tackling controversial issues.

INTRODUCTION

Interpretations of the exact intentions of the framers of the United States Constitution have been a matter of controversy between absolutists and relativists since the document was adopted. The First Amendment to the Constitution and its provisions have been used as a measure of the liberty Americans have in speaking, writing and publishing. Historically, the government has achieved some degree of legal control over expression by balancing it with other constitutional rights. Despite the fact that the value of free speech and press may be considered paramount, there are certain circumstances where other values take priority in a conflict over rights. For example, the individual's right to his good reputation limits verbal attacks through penalties of the civil libel law. Society's interest in morality denies legal protection to the obscene. A host of laws regulating business, industry and trade applies fully to the commercial press and broadcasting. The courts have permitted censorship in cases of national security and obscenity (Holsinger, 1987).

The Supreme Court of the United States is charged with interpreting the extent of the guarantees of the Constitution. The court has always used a "balancing test"

to determine the propriety of a restraint on freedom of expression. The test involves weighing the government's concern about protecting a particular interest, such as national security, and the individual's and society's interests in expression (Carter, Franklin & Wright, 1986).

On the institutional level, such as public high schools and colleges, prior restraint takes on another dimension. The question becomes whether the special context of a high school or college permits school officials to institute prior restraint. The purpose of this study is to investigate the effects of the 1988 Supreme Court's Hazelwood decision on the attitudes and behavioral intentions of high school principals and publication advisers. In the Hazelwood School District, et al. v. Kuhlmeier decision, the court held that, as the publisher of a school newspaper, a public school may exercise substantial control over contents of student articles, whenever this action is reasonably consistent with the legitimate educational mission of the school. The following research questions were tested to illuminate the reactions to current status and application of the Hazelwood decision.

RESEARCH QUESTIONS:

1. What relationships exist between respondent's job title and attitudes toward First Amendment issues, including knowledge of school press law, publication control, prior

restraint, freedom of expression and satisfaction with school publications?

2. What relationships exist between school type and attitudes toward First Amendment issues, including knowledge of school press law, publication control, prior restraint, freedom of expression and satisfaction with school publications?

LITERATURE REVIEW:

A few studies have been conducted to investigate attitudes towards student First Amendment rights. Fitzgerald (1988) reported that newspaper editorials which were printed around the time of the Hazelwood decision overwhelmingly supported the decision, upholding censorship of the high school press. According to one of these editorials, "It is a decision in favor of editing--a process that goes on in real newspapers in the real world today." This journalist failed to mention that editing of "real" newspapers is performed by professionally trained editors, not public administrators or government officials. Also, as Carter, et al. (1986) reasoned, public school officials represent the state just as a mayor does. But does the special context of a high school allow school officials more leeway under the First Amendment than allowed a mayor? (p. 40).

Don W. Robinson of the Eugene (Ore.) Register-Guard also supported this, stating that "Student journalists may feel this decision demeans them...[but] the First Amendment has never given reporters and editors the legal right to put things in the paper that their publishers did not want to print." This indicates that professional journalists would not feel obligated to fight to protect First Amendment rights of student journalists (Fitzgerald, 1988). Although these journalists equate the role of principal or administrator with that of publisher, the First Amendment was never intended to protect reporters from publishers but to protect the right to free expression from government intervention. In the special circumstance of high schools, the right to free expression should protect student journalists from censorship by administrators or agents of the state. One wonders whether students who decided to sponsor their own publications would be subjected to censorship. Issues of right to disseminate information against campus security and principals' rights to control activities within school boundaries are more likely to dominate the discussions.

A similar scenario was the litigation over an attempt to restrict the dissemination of literature on school premises. The U.S. District Court of Colorado declared the La Junta High School's policy, preventing the distribution of

religious material on school grounds, unconstitutional (Student Press Law Center, winter, 1989, p. 18.)

Dickson (1989) found that principals in Missouri (the home state of Hazelwood High School) agree that student newspapers are open forums, but most would censor certain types of material. The results indicate limited effect of the Hazelwood decision. 61.5% of the respondents did say that their newspaper was an open forum, and only 18.9% planned to look at articles more closely. However, 32.4% already were in the practice of reviewing their school's newspaper before publication, and 98.6% said that they expected their adviser to discuss articles that may be inappropriate with them.

As far as materials deemed inappropriate, "dirty language" headed the list, followed by stories about sex, student pregnancy, AIDS, and divorce (echoing Hazelwood). These principals would censor articles on several subjects of this nature, whether they knew about them prior to publication, or if they were reacting to the adviser's concerns.

As the rates of teenage pregnancy, drug abuse and AIDS continue to increase in astronomic proportions, censorship of student articles about these issues is expected to diminish remarkably. For example, New York City public high schools

have been instructed to distribute condoms. It will be preposterous for any high school principal to censor articles about the pros and cons of such a policy.

Studies published before the Hazelwood decision appear to monitor the predicted status quo regarding the effects of health, economic and social issues on school press censorship. Martinson (1986) conducted a survey of 123 members of College Media Advisers (CMA). He found that 81% felt that it was more important to be free of censorship than to protect the school's reputation. 94% of the respondents also agreed that students should be allowed to print provable stories about faculty or administration, while 89% disagreed with the prohibition of articles containing "harmful" material. Accordingly, 65% felt that student newspapers should be vehicles for free expression. Therefore, this study rejected censorship of student press at the college level, supporting freedom more than the protection of a school's image (a major priority of school administrators).

A much earlier study by Trager and Dickerson (1980) focused on the issue of prior restraint and investigated the differences in attitudes among principals and advisers. Using schools in the Seventh Circuit (Illinois, Indiana and Wisconsin), they found that, if left uncensored, students

would neither begin "underground" publications nor abuse their privileges, causing disruptions in the schools. However, there were significant attitudinal differences between principals on one hand and the advisers and students on the other.

Eighty-one percent of the principals supported the principal's right to prior review, while only 67.5% of the advisers and student editors agreed. In support of equality of First Amendment rights for student journalists and professionals, 68% of the students and 60% of the advisers agreed, while only 43% of the principals concurred. Trager and Dickerson concluded that "...the state of First Amendment protection granted high school students remains based on the whim of those in charge, not the law." The Supreme Court of the United States, in its wisdom, agreed with Trager and Dickerson by giving principals infinite rights to control student publications through the Hazelwood Decision.

METHOD:

The present study was conducted with a three page questionnaire and cover letter that assessed the attitudes and knowledge of high school principals and newspaper advisers in the state of New Jersey. Participation was voluntary and anonymous. Questionnaires were sent to

principals in the summer of 1990 and to advisors in the fall of 1990 to reduce contamination from collaboratory tendencies.

A sample of public and parochial/private high schools was drawn from a list provided by the Garden State Scholastic Press Association. Questionnaires were sent to 432 high schools, one to each high school administrator/principal and to the corresponding school newspaper adviser, for a sample of 864 individuals. Responses came from 178 principals and 145 advisers. Of those, twelve questionnaires were not used due to incomplete responses. Hence, the total respondents were 170 principals and 141 advisers, a response rate of 39% and 33% respectively. As for school type, 254 responses were from public high schools and 55 were from parochial/private high schools.

Procedures:

Respondents were asked questions about school level, type (public or private/parochial), and job title (administrator/principal or adviser). They also responded to twenty-three attitude statements on a four point Likert-type scale, ranging from strongly agree to strongly disagree, and three true/false knowledge statements. Finally, subjects rated nine areas of school newspaper satisfaction on

a ten point scale, ranging from not satisfied to satisfied. Areas included content, design, quality, editorials, funding, advisement, circulation, administrative control and printing process.

Measurement of Variables:

Questions were written to assess attitudes and knowledge of current legal status of student publications as established in the Hazelwood decision. Support for student, adviser and principal control of publications; prior review policies; freedom of student expression; and overall satisfaction with student publications were also assessed. To measure feelings about the Hazelwood decision, subjects were asked to respond to statements such as "The Hazelwood decision should be upheld (or repealed)." Coupled with these were statements that assessed knowledge of the decision, such as "The Hazelwood decision guarantees a principals the right to order the removal of objectionable articles from student publications."

As far as the role of the student in student publications, the principals and advisers were asked to respond to two areas--freedom of expression and student control. For example, "If allowed to write whatever they want, students would print articles inappropriate for student reading," "Given the freedom to write whatever they want,

students would not abuse this privilege," and "Student publications should be run solely by the students," were some of the questions asked.

In order to assess the extent to which subjects felt principals should have the right to review publications and possibly remove articles from them, subjects responded to two areas--administrative control and prior review. For example, "Principals should be entitled to remove articles from student publications if they feel the articles are inappropriate," "Principals should have prior review of school newspaper content before publication," and "A prior review policy between advisors and administration would improve communications."

RESULTS:

A Pearson Product Moment correlation matrix was generated (see Table 1) to show the intercorrelations among the independent and dependent variables. There was a significant positive correlation between position and support for the Hazelwood decision ($r=0.35$, $p=.001$). Significant negative correlations were also observed among the following pairs of variables: position and support for freedom of expression ($r=-0.21$); position and support for student control for school newspapers ($r=-0.263$); position and overall satisfaction with the quality and content of their

school's newspaper (r=-0.28). Support for principals control of school newspapers was significantly correlated with position (r=0.511, p=0.0001) and negatively correlated with overall satisfaction with the quality of student publication (r=-.21, p=0.0002). Support for freedom of expression was positively correlated with the belief that students should have complete control over student publications (r=0.534, p=0.0001).

To find out if there is a significant mean difference between job title and various dependent variables, t-tests were run (see Table 2). There was a significant mean difference between school principals (M=1.92) and advisers (M=2.3) in their knowledge of current legal status of student publications (t=-2.66, p=0.0083). As predicted, principals were more in agreement with principal control of school publications (M=5.69) than advisers (M=3.68) were (t=-10.25, p=0.0001). Principals also appeared to be more in agreement (M=7.64) with prior restraint, review and approval of articles in school newspapers than advisers (M=6.56) were (t=5.08, p=0.0001).

No significant difference was observed between advisers and principals in the belief that advisers should review student articles before publication; there was a general agreement that advisers have the primary responsibility of

reviewing student articles before publication. Principals were more in support of the Hazelwood decision (M=4.61) than advisors (M=2.89) were (t=-6.26, p=0.0001).

Contrary to expectations, principals agreed more (M=5.82) with students' rights to freedom of expression, including school publications than did advisers (M=5.1) (t=3.86, p=0.0001). Principals also agreed more with student control (M=20.72) than did advisers (M=18.77) (t=4.76, p=0.0001), and were more satisfied (M=68.12) with the quality of student publications than were advisers (M=59.3) (t=5.1, p=0.0001).

To investigate the differences between public and private high school principals and advisers, several t-tests (see Table 3) were performed. No significant differences were observed between employees of public and private high schools regarding the following variables: knowledge, principal's control, satisfaction with publications, adviser control, support for free expression, and student control. However, there were significant differences observed between respondents from public high schools and private high schools in their support for prior restraint, review and interaction with students before publication, as well as support for the Hazelwood decision. Public high school employees were more likely to support prior restraint (M=7.19) than private high

school employees were (M=6.37). Public high school employees were also more likely to agree with the Hazelwood decision (M=3.87) than private high school employees were (M=3.27).

DISCUSSION:

The unlimited powers of censorship granted to administrators by the Hazelwood decision has had two major effects on the status of the public high school press. First, several states are attempting to limit the impact of the court's decision on freedom of expression in high schools. In New Jersey, the House of Assembly is considering a freedom of speech bill that clarifies and broadens the rights of free speech and free press as a direct response to the Hazelwood provisions (Bill #A575, A. Imprevedo, 1992). A New Jersey Superior Court found administrators of Clearview Junior High School to have violated the students' free speech rights under the state constitution. The presiding judge also ordered the school district to allow the students to publish articles about the legal battle in the school newspaper, the Pioneer press (Editor & Publisher, June 8, 1991). In other states, California, Colorado, Iowa and Massechuttes have passed student freedom of expression legislations. The Kansa Student Publication Act went into effect on July 1, 1992. Ohio, Rhode Island and Illinois are

using the Student Law Center Model as a standard in their continued attempt to pass legislations to protect high school press (Zweifel, 1990).

Secondly, publication content has suffered because advisors and students have been scared away from tackling controversial issues. Don Sheets, the former advisor to the Hoover High School's award-winning Hoover Heritage, was removed from his post as part of a move by administrators to establish prior review (SPLC Report, 1990). Soon after the Hazelwood decision, high school journalism educators were reported to have complained about receiving little support from professional news organizations, editors or news executives (Fitzgerald, 1988). In an attempt to avoid problems with administrators, many student publications have restrained from covering issues of importance, controversy and interest to the school community.

In the present study, principals accepted their censorship role by expressing the right to control school publications, and exercising prior restraint. Principals were also found to have supported the Hazelwood decision, students' right to freedom of expression, and were more satisfied with the quality of their schools' publications than were advisers.

Dickson (1989) had similar findings, including the fact that principals agreed that student newspapers were open

forums. However, only 18.9% of the principals planned to exercise their Hazelwood rights, while the support was greater in the present study (55.19%). This indicates that principals are more conversant with their censorship role and would not hesitate to exercise their editorial rights as prescribed by law.

Regarding the differences in attitude between principals and advisers in public and private high schools, public high school employees were more likely to support the Hazelwood decision and prior restraint (82.47%) than private school employees (17.53%). This was surprising, considering that private high schools are traditionally more conservative and more likely to invoke religious or moral tenets as superseding the right to free expression.

Advisers were observed to be uncertain about their roles in the present realities of the Hazelwood decision. They were more cautious about student control and student free expression. They also agreed with a prior review policy, as long as they were the ones to provide guidance and support as pursuant of their advisorial position. For example, one adviser stated, "When you're the one who receives disturbed parents' maniacal phone calls and gets obscene notes in your mailbox from anonymous esteemed colleagues, you consider your consequences more carefully. Remember, 'freedom' is an

abstract idea. It's not a bird in the hand." This is an indication of the pressure and ambivilence that advisers experience.

Pressure comes not only from parents, but also from institutional constraints. A California high school newpaper adviser was reassigned when his principal decided to institute a prior review policy (Student Press Law Center, 1990). This case is being litigated because the administrator's action was an attempt to remove an adviser that was sympathetic to the students' rights to free expression. Future researchers might want to compare the attitudes and behaviorial intentions of school superintendents and school board members pertaining to these first amendment issues. The question remains, "Is the right to free expression absolute or relative?"

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APPENDIX A

TABLE 1 : CORRELATION MATRIX FOR ALL VARIABLES.

	1	2	3	4	5	6	7	8	9
1									
2	.15*								
3	.17**	.51**							
4	-.08	.05	.01						
5	-.01	.25**	.17**	-.14*					
6	-.10	-.28**	-.21**	-.06	-.06				
7	-.02	.01	.11	-.04	.04	-.2**			
8	.05	.35**	.25**	-.18**	.11**	-.08	.18**		
9	.04	-.21**	-.19**	.06	-.19**	.12*	-.09	-.15**	
10	.07	-.26**	-.14*	-.03	-.09	.17*	-.2**	-.23**	.53**

KEY: 1 = KNOWLEDGE 2 = POSITION 3 = PRINCIPAL CONTROL 4 = SCHOOL TYPE 5 = PRIOR REVIEW 6 = SATISFACTION WITH PUBLICATION 7 = ADVISOR CONTROL 8 = SUPPORT FOR HAZELWOOD DECISION 9 = SUPPORT FOR FREE EXPRESSION 10 = STUDENT CONTROL.

APPENDIX B

TABLE 2

TEST OF SIGNIFICANT DIFFERENCES BETWEEN PRINCIPALS AND ADVISORS.

	N	MEAN	T	Prob.
PRINCIPALS	170	1.92		
DEPENDENT : KNOWLEDGE			-2.66	0.0083
ADVISORS	138	2.30		
PRINCIPALS	170	3.70		
DEPENDENT : PRINCIPAL CONTROL			-10.25	0.0001
ADVISORS	138	5.70		
PRINCIPALS	170	6.56		
DEPENDENT : PRIOR REVIEW INTERACTIONS			-4.30	0.0001
ADVISORS	138	7.60		
PRINCIPALS	168	68.12		
DEPENDENT : SATISFACTION WITH PUBLICATION			5.10	0.0001
ADVISORS	135	59.30		
PRINCIPALS	170	3.65		
DEPENDENT : ADVISOR CONTROL			-0.23	0.8168
ADVISORS	138	3.68		
PRINCIPALS	170	2.90		
DEPENDENT: SUPPORT FOR HAZELWOOD DECISION			-6.26	0.0001
ADVISORS	138	4.61		
PRINCIPALS	170	5.82		
DEPENDENT : SUPPORT FOR FREE EXPRESSION			3.86	0.0001
ADVISORS	138	5.10		
PRINCIPALS	170	20.72		
DEPENDENT : SUPPORT FOR STUDENT CONTROL			4.76	0.0001
ADVISORS	138	18.77		

APPENDIX C

TABLE 3
TEST OF SIGNIFICANT DIFFERENCES BETWEEN PRIVATE AND PUBLIC SCHOOLS.

	N	MEAN	T	Prob.
PUBLIC	254	2.14		
DEPENDENT : KNOWLEDGE			1.30	0.20
PRIVATE	54	1.87		
PUBLIC	254	4.60		
DEPENDENT : PRINCIPAL CONTROL			0.19	0.85
PRIVATE	54	4.54		
PUBLIC	254	7.19		
DEPENDENT : PRIOR REVIEW INTERACTION			2.57	0.0121
PRIVATE	54	6.37		
PUBLIC	254	64.64		
DEPENDENT : SATISFACTION WITH PUBLICATION			1.10	0.28
PRIVATE	54	61.98		
PUBLIC	254	3.69		
DEPENDENT : ADVISOR CONTROL			0.82	0.41
PRIVATE	54	3.54		
PUBLIC	254	3.87		
DEPENDENT: SUPPORT FOR HAZELWOOD DECISION			3.62	0.0005
PRIVATE	54	3.27		
PUBLIC	254	5.45		
DEPENDENT : SUPPORT FOR FREE EXPRESSION			-1.06	0.29
PRIVATE	54	5.72		
PUBLIC	254	19.90		
DEPENDENT : SUPPORT FOR STUDENT CONTROL			0.59	0.55
PRIVATE	54	19.59		